

1 **IN THE UNITED STATES DISTRICT COURT**
2 **FOR THE DISTRICT OF ARIZONA**

3 IN RE BARD IVC FILTERS
4 PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

5 This Document Relates to Plaintiff
6 Richard Smith and Georgia Smith, 2:17-
7 cv-02442-DGC

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9 **PLAINTIFF’S UNOPPOSED MOTION TO TERMINATE PARTY**
10 **AND AMEND THE COMPLAINT**

11 Plaintiff Richard Smith, by and through undersigned counsel, and pursuant to
12 FRCP 25(a) and 15(a)(2) hereby move the Court to terminate Georgia Smith, as Plaintiff
13 by way of an Amended Short Form Complaint in the form attached hereto as Exhibit 1,
14 and in support, states as follows:

- 15
16 1. Plaintiff Richard Smith was implanted with a Bard IVC Filter and subsequently
17 discovered injuries in 2017. Plaintiff retained undersigned counsel, who filed a
18 Complaint on his behalf against the Defendants for Plaintiff’s IVC Filter-related
19 injuries.
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21 2. This case is part of a settlement with Bard.
22
23 3. Plaintiff’s spouse, Georgia Smith was also named as a plaintiff in this action for
24 damages, including loss of consortium.
25
26 4. Georgia Smith unexpectedly passed away on December 14, 2019.
27 5. Plaintiff hereby submits an Amended Short Form Complaint, attached hereto as
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1 Exhibit 1, which terminates Georgia Smith as Plaintiff, along with any claims for
2 damages associated with Georgia Smith.

3 6. The death certificate of Georgia Smith is attached as Exhibit A to the Amended
4 Short Form Complaint.
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6 7. Counsel for Defendants has indicated that they have no objection to this motion.

7 WHEREFORE, Plaintiff respectfully requests that this Court grant Plaintiff's Unopposed
8 Motion to Terminate Party and Amend the Complaint and order the Clerk to file the
9 Amended Short Form Complaint, attached hereto as Exhibit 1.
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12 DATED: 09/21/2020
13

Respectfully Submitted,

14 /s/ Stuart L. Goldenberg
15 Stuart L. Goldenberg (*pro hac vice*)
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